

**April 7, 2003, MB #48**

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, April 7, 2003, 9:30 a.m.

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**4-H**

Chelsea Champion, Eagles 4-H Club	779	04/07/03
Patrick Laughter, Truthseekers 4-H Club	779	04/07/03

The Catawba County Board of Commissioners met in regular session on Monday, April 7, 2003, 9:30 a.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 9:30 a.m.
2. Commissioner Barger offered the invocation. Commissioner Hunsucker led in the Pledge of Allegiance to the Flag.
3. Commissioner Hunsucker made a motion to approve the minutes from the regular session of Monday, March 17, 2003. The motion carried unanimously.
4. Presentations:
  - a. 4-H presentations:
    1. Chelsea Champion, Eagles 4-H Club.
    2. Patrick Laughter, Truthseekers 4-H Club.

Ms. Champion and Mr. Laughter shared their 4-H experiences with the Board.

- b. Chair Barnes recognized Patricia Holloway, Personnel Specialist, upon receiving a North Carolina Award for Outstanding Volunteer Service.

Ms. Holloway thanked her family, church family, and friends and said she considered it a pleasure to volunteer.

- c. Commissioner Barnes presented an Administrative Professionals Week Proclamation, April 20 - 26, 2003, to Heidi Bedington, Hickory Chapter International Association of Administrative Professionals (IAAP) President and Catawba County IAAP members: County Manager's Office - Thelda B. Rhoney, County Clerk; Mental Health Department – Janice D. Cornett, CPS and Kelley S. Keisler, Office Support Specialists.

Ms. Bedington thanked the Board for the proclamation.

- d. Commissioner Lail presented a Child Abuse Prevention Month Proclamation, April 2003, to Christina Abbott, Director of the Children's Advocacy Center.

Ms. Abbott accepted the proclamation on behalf of the Children's Protection Council, Department of Social Services, and the Children's Advocacy Center. During 2002, the Children's Protection Council received 2,258 reports of child abused and neglect. The Children's Advocacy Center saw 75 children last year who were sexually abused or severely physically abused. She thanked the Board for the proclamation and distributed blue ribbons in support of the cause.

- e. Commissioner Hunsucker presented a Litter Sweep Week Proclamation to Barry B. Edwards, Utilities and Engineering Director.

Mr. Edwards said April 21 - May 5, 2003, is Litter Sweep Weeks and he encouraged everyone to stop by the Utilities and Engineering Office at the Government Center to pick up orange garbage bags.

- f. Commissioner Beatty presented a Public Health Month Proclamation, April 2003, to Barry A. Blick, Public Health Director.

Mr. Blick thanked the Board for its support. He invited everyone to visit the Health Department to see the "Doors to Public Health."

5. Special Guests and Public Comment:

a. County Board Selection Alternatives.

1. Mr. Lewis Woods, Chairman, NAACP, Catawba County Chapter made the following suggestions for changes in redistricting, and he said he was in agreement with the recommendations. He said he appeared as a private citizen instead of a NAACP member, although the NAACP endorsed the recommendations.
  - a. The majority of persons with whom he had talked with concerning redistricting would like to have five districts instead of four.
  - b. They would like to have seven County Commissioners.
  - c. They would like to have two at-large commissioners.

Chair Barnes said at present all the commissioners were elected at large. She said Mr. Lundy did research throughout the state and the majority in Western North Carolina are elected at-large as well as Catawba County Board members. She serves on several statewide groups and has discussed with commissioners throughout the state some of the issues they have encountered. Those elected by district seem to look only at their districts instead of the entire population.

Commissioner Beatty thanked Mr. Woods for being concerned about the issue. She said there are things that need to be done differently in the county to engage citizens and she has tried to get people to work on different boards in different parts of the county. She found no support for the recommended changes from others in the county. She said she could not support the proposal at this time but recommended that it be monitored.

Commissioner Barger said he agreed with Ms. Beatty and that he had talked with a lot of citizens that didn't know the County had five commissioners elected at large. Several asked if we could be better served by seven commissioners and this is something that can be looked at in the future. He said many people think the system works well now and would not recommend changing. He recommended to leave the system as is.

Commissioner Hunsucker said he agreed with Ms. Beatty's comments. He said he has had no support of changing to districts. He said it may be difficult to get citizens to support districts. He said someone elected from districts may be compelled to work for what the district wants instead of total county needs. He said he would have to vote against going to districts at this time.

Commissioner Lail said it is a challenge for the commissioners to find ways to engage the community more in the interactions of the government. She said sometimes there is competitiveness and often times people work best for the whole rather than the part. She said it is best to work as a whole rather than break up into districts. She thanked Mr. Lewis for his work in the community. She recommended no changes.

Chair Barnes thanked Mr. Lewis for trying to get all people involved in the community and in government. She said she was encouraged when she spoke at a banquet this past October and was pleased on Martin Luther King Day to distribute applications for positions to serve on committees in the county. She encouraged Mr. Lewis to help broaden the base for citizens to serve. She did not think it is time to change and recommended periodic reviews.

Mr. Woods thanked the Board and said he would be back.

2. Mr. Michael Talbert, former Facilities Director, addressed the Board on the issue of school facilities funding. Mr. Talbert discussed the recent history of efforts to fund school facility improvements through bond issues, and a study of school facility needs made in 2002 by a

citizen committee. Mr. Talbert suggested to the Board that it could fund the needs identified by that citizen's committee by redirecting two cents of the three cents from the County's tax rate, currently dedicated to water and sewer projects, to school construction projects; and by directing funds, currently being used to pay down school construction debt, to the funding of new projects, as that debt is further paid down. Commission Chair Kitty Barnes asked Mr. Talbert for a written copy of his presentation and said that the Board will weigh all of the options available to it as it finalizes a County budget for fiscal year 2003-2004.

6. Appointments:

**Transportation Advisory Board**

Commissioner Beatty recommended the reappointments of Bobby K. Boyd and Michael C. Bradshaw for fourth terms and Richard Smith, Lynda Gross, William "Bill" Bedington, and Mike Kanai for second terms. The two-year terms will expire March 14, 2005.

Commissioner Beatty appointed David Weldon to replace Charles Moody for an unexpired term which will expire March 14, 2004.

**Public Health Board**

Commissioner Lail recommended the appointment of Susan Witherspoon, 4693 Bolick Road, Claremont to fill Commissioner Lail's unexpired term as a General Public representative. The term expires June 30, 2004.

**City of Newton Board of Adjustment**

Commissioner Barger recommended the reappointment of Kate Oberlin to a first term and the appointment of Don Lemons to the vacant alternate position. Both three-year terms will expire March 31, 2006.

Commissioner Beatty made a motion to approve the aforementioned appointments. The motion carried unanimously.

7. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Tax Refunds.

Four refund requests totaling \$39,752.77 were made to the Tax Office. The records were checked and the refunds verified. According to General Statute 105-381, a Taxpayer who has paid his taxes may request a refund (in writing) for the amount that was paid through error.

Refund Requests - April 2003

Hensley, Valorie G., 200 East Central Avenue, Catawba, NC 28609  
Account No. 169524

2002 discovery tax bill #20187 was prepared for a 1996 GTI Sea Doo Jet Ski for years 1999 through 2002. This bill was paid in error. Ms. Hensley had listed and paid taxes on this same Jet Ski on Account No. 28936670. Ms. Hensley has requested a refund for 1999, 2000, and 2001 taxes paid.

<u>Year</u>	<u>County Tax</u>	<u>Late-List Penalty</u>	<u>Total</u>
2002 multi-year bill	46.86	14.35	\$ 61.21 *

\* Located in the Town of Catawba.

The following parcel was appealed to Catawba County Board of Equalization and Review for 1999 taxes. Their decision was appealed, and was scheduled before the Property Tax Commission in Raleigh in April, 2001, and the PTC decision was dated June 11, 2001. Catawba County appealed to the NC Court of Appeals, and was scheduled in August 2002. The Court of Appeals ruled in September 2002 to affirm the decision of the PTC. The records have been adjusted accordingly. The 1999, 2000, 2001 and 2002 taxes have been paid. According to NC General Statute 105-290(b)(4), when an order of the Property Tax Commission reduces the valuation of property and the taxpayer has paid more tax than is due on this property, the taxpayer is entitled to receive interest on the overpayment. Interest is calculated at the rate set under G.S. 105-241(i) pursuant to this statute.

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Lane Co. Inc., The, Hickory Chair Co. Div., PO Box 2147, Hickory, NC 28603  
Account No. 040048880 PIN 3713-17-11-8384.0000 99 PTC 202

County					
<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Interest</u>	<u>Total</u>
1999	1,800,000	.495	8,910.00	2,138.40	11,048.40
2000	1,800,000	.495	8,910.00	1,425.60	10,335.60
2001	1,439,500	.495	7,125.53	570.04	7,695.57
2002	1,439,500	.495	<u>7,125.53</u>	<u>142.51</u>	<u>7,268.04</u>
			32,071.06	4,276.55	\$36,347.61 *

\* Located in the City of Hickory. (Interest calculated thru April, 2003).

The following parcels were appealed to Catawba County Board of Equalization and Review for 2002 taxes. Their decision was appealed to the Property Tax Commission in Raleigh. Pursuant to the appeal, a representative of the PTC inspected the properties and reviewed the appeal with the property owner and the Catawba County tax office. Following this review, an agreement was satisfactorily reached on each property. Upon receipt of the Consent Order from the PTC for each respective appeal, these values have been adjusted accordingly for January 1, 2002. Because the tax bills have been paid for 2002, a refund is requested for the following:

Nalley, George B. Jr., PO Box 1929, Easley, SC 29641  
Account No. 049368750 PIN 3704-20-71-6274.0002 02 PTC 173 dated March 3, 2003  
(Northgate Plaza – Winn Dixie Marketplace)

County					
<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Interest</u>	<u>Total</u>
2002	512,400	.495	2,536.38	50.73	2,587.11 *

\* Located in the City of Hickory. (Interest calculated thru April, 2003)

Account No. 049368750 PIN 3704-20-71-6274.0001 02 PTC 174 dated March 3, 2003  
(Northgate Plaza – Rolane, etc)

COUNTY					
<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Interest</u>	<u>Total</u>
2002	149,900	.495	742.00	14.84	<u>756.84</u> *
			Refund Total		\$3,343.95

\* Located in the City of Hickory. (Interest calculated thru April, 2003)

b. Newton-Conover City Schools - Roofing Project.

In the current fiscal year budget \$71,000 was approved for roof replacement at Newton-Conover High School for the original building that houses the shop, cafeteria, and ROTC Program. The total project was for \$118,000 with the balance of \$47,000 coming from other completed roofing projects. The capital outlay request from Newton-Conover for fiscal year 2003-2004 includes an additional roofing project at the high school for \$126,000 to replace the roof on the two-story classroom building built in 1964. A bid opening on the first phase of the roofing project had been scheduled for early March in order to complete the work this summer. By bidding these two projects as one there should be considerable cost savings that will allow the total project to be completed during the summer while students are not in school. The Finance and Personnel Subcommittee recommended that the Board of Commissioners give priority in the FY 2003-2004 Schools' Capital budget to fund the second roofing project at Newton-Conover High School and agree to send a letter of commitment for funds up to \$126,000 based on the bids received for the project.

c. Memorandum of Understanding for the Unifour MPO and Unifour RPO.

**Resolution No. 2003-06**  
**Resolution for Memorandum of Understanding for the**  
**Unifour Metropolitan Planning Organization (MPO)**

Resolution Passed by The Board of Commissioners of the County of Catawba, North Carolina

THAT WHEREAS, it is recognized that the proper movement of travel within and through the Hickory urban area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, it is desirable that a coordinated, comprehensive, and cooperative transportation planning process be maintained in the Hickory urban area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety, and welfare; and

WHEREAS, a Memorandum of Understanding between the Municipalities of Brookford, Cahaj's Mountain, Catawba, Cedar Rock, Claremont, Connelly Springs, Conover, Drexel, Gamewell, Glen Alpine, Granite Falls, Hickory, Hildebran, Hudson, Lenoir, Long View, Maiden, Morganton, Newton, Rhodhiss, Rutherford College, Sawmills and Valdese; and the Counties of Alexander, Burke, Caldwell, and Catawba; and the North Carolina Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, OF THE COUNTY OF CATAWBA, NORTH CAROLINA.

That the Memorandum of Understanding between the Municipalities of Brookford, Cahaj's Mountain, Catawba, Cedar Rock, Claremont, Connelly Springs, Conover, Drexel, Gamewell, Glen Alpine, Granite Falls, Hickory, Hildebran, Hudson, Lenoir, Long View, Maiden, Morganton, Newton, Rhodhiss, Rutherford College, Sawmills and Valdese; and the Counties of Alexander, Burke, Caldwell, and Catawba; and the North Carolina Department of Transportation, be approved and that the (Chairman), (Mayor) of the (County Board of Commissioners) (City Council), (Town Council) and (County), (City), (Town) Clerk are hereby directed to execute the Memorandum of Understanding.

I, Thelda B. Rhoney, Clerk of the County of Catawba, North Carolina, do hereby certify that the above is a true and correct copy of excerpts from the minutes of the Board of Commissioners, of said County.

WITNESS my hand and the official seal of the County of Catawba this the 7th day of April, 2003.

ATTEST

(Seal)

/s/ Thelda B. Rhoney  
Catawba County Clerk

**Resolution No. 2003-07**  
**Resolution for Memorandum of Understanding for the**  
**Unifour Rural Planning Organization (RPO)**

The County Commissioners of the County of Catawba, North Carolina

THAT WHEREAS, it is recognized that the proper movement of travel within and through the Unifour Rural Planning Area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, it is desirable that a coordinated, comprehensive, and cooperative transportation planning process be maintained in the Unifour Rural Planning Area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety, and welfare; and

WHEREAS, a Memorandum of Understanding between the Town of Taylorsville; and the Counties of Alexander, Burke, Caldwell and Catawba; and the North Carolina Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process for the Unifour Rural Planning Organization; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, OF THE COUNTY OF CATAWBA, NORTH CAROLINA

That the Memorandum of Understanding between the Town of Taylorville; and the Counties of Alexander, Burke, Caldwell and Catawba; and the North Carolina Department of Transportation, be approved and that the Chairman, of the County Board of Commissioners and County Clerk are hereby directed to execute the Memorandum of Understanding.

I, Thelda B. Rhoney, Clerk of County of Catawba, North Carolina, do hereby certify that the above is a true and correct copy of excerpts from the minutes of the Board of Commissioners of said County.

WITNESS my hand and the official seal of the County of Catawba this the 7th day of April, 2003.

ATTEST

/s/ Thelda B. Rhoney  
Catawba County Clerk

d. Ordinance Enacting a New Code of Ordinances.

Staff has received complaints that the Catawba County Code of Ordinances is not user-friendly because the page numbering and formatting is no longer consistent making it difficult to locate information. Catawba County's code was republished in July 1993 and has been published in-house by the County Clerk since 1995. Staff from the Institute of Government recommends that Code of Ordinances be professionally codified. The County contracted with Municipal Code Corporation (MCC) to perform this service. The time-consuming process began in the Spring of 2001. The County Clerk and County Staff Attorney worked with all County Departments regarding their particular sections in the code.

**Ordinance No. 2003-04**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR CATAWBA COUNTY, NORTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY:

Section 1. The Code entitled "Catawba County, North Carolina, Code of Ordinances," published by Municipal Code Corporation, consisting of chapters 1 through 44, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 16, 2002, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another forfeiture is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$500.00 or imprisonment for not more than the maximum number of days allowed for a Class 3 misdemeanor or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The forfeiture provided by this section, unless another forfeiture is expressly provided, shall apply to the amendment of any Code section, whether or not such forfeiture is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.



Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the board of commissioners to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 16, 2002, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance is effective today, April 7, 2003.

Passed and adopted by the Catawba County Board of Commissioners this 7th day of April, 2003.

By: /s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

ATTEST: /s/ Thelda B. Rhoney  
Clerk

e. Fund Balance Request for Catawba Rescue Squad.

Catawba Rescue Squad requested \$10,000 that was appropriated for its use in the FY 2001-02 budget to reimburse the squad for the purchase of a boat motor and two automatic external defibrillators. The quote through the local dealer was more than \$10,000. Because of budget constraints, no additional funds were available making it necessary to freeze the project and the funds lapsed into a fund balance for rescue squads. The squad chief, working through the Mercury Marine factory, was able to recently purchase as a non-profit organization a motor for \$4,463. This left a total of \$5,337 in outstanding capital. They are requesting that the additional \$5,337 be used to purchase two desperately needed Automatic External Defibrillators. Staff recommended that the Board of Commissioners re-appropriate the \$10,000 to Catawba Rescue Squad to pay for the motor and two defibrillators.

Fund Balance Applied  
240-260250-690100

Catawba Rescue Capital  
240-260250-866300

f. Resolution – Designation of Catawba County's Primary and Secondary Agent for Federal Disaster Assistance for Winter Storm 2002 (FEMA-1448-DR-NC).

Staff requested that the Board of Commissioners adopt a resolution naming David A Weldon, Primary Agent, and Candace J. Hartsoe, Secondary Agent, to file application for federal and state assistance for the Winter Storm of December 2002. The primary and secondary agents are needed to sign worksheets verifying expenditures incurred during the storm. Catawba County is eligible to receive federal and state assistance authorized under a major disaster declaration issued by President Bush. The declaration covers damage to public property from the storm that occurred over the period of December 4-6, 2002. By designating these agents, Catawba County will be eligible for 100% of costs incurred for allowable expenses for the weather event.

Catawba County is eligible for 75% federal assistance and 25% state assistance through the NC Department of Crime Control and Public Safety, Division of Emergency Management, State- Applicant Disaster Assistance Agreement. (A copy of the agreement is on file in the Office of Emergency Services Director.)

**Resolution No. 2003-08**  
**Designation of Applicant's Agent**  
**North Carolina Division of Emergency Management**

Organization Name: Catawba County      Disaster Number: 1448  
Applicant's Fiscal Year (FY) Start, Month: 07    Day: 01  
Applicant's Federal Employer's Identification Number: 56-6001814  
Applicant's Federal Information Processing Standards (FIPS) Number: 035-99-035-00

Primary Agent  
Agent's Name: David A. Weldon  
Organization:

Secondary Agent  
Agent's Name: Candace J. Hartsoe  
Organization

Catawba County Emergency Services  
Official Position: Director  
Mailing Address: P O Box 389  
City, State, Zip: Newton, NC 28658  
Daytime Telephone: 828-465-8233  
Facsimile Number: 828-464-4820

Catawba County Emergency Services  
Official Position: Administrative Assistant  
Mailing Address: P O Box 389  
City, State, Zip: Newton, NC 28658  
Daytime Telephone: 828-465-8232  
Facsimile Number: 828-464-4820

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act. (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances on the reverse side of the original resolution (copy on file in the office of Emergency Services Director).

BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

PASSED AND APPROVED this 7th day of April, 2002.

/s/ Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

g. Appropriation of County Funds – Implementation of Department of Justice (DOJ) Grant.

The U.S. Department of Justice (DOJ) General, Office of Justice Program has made funds available to the State for the purpose of purchasing equipment necessary to equip first responders to be prepared for events involving Weapons of Mass Destruction. Catawba County applied for the DOJ grant in November 2002. On March 27, 2003, the County entered into a memorandum of agreement with the Department of Crime Control and Public Safety, Division of Emergency Management, which authorizes Catawba County to purchase the agreed upon equipment. The equipment to be purchased is 142 cartridge style respirators for eight municipal police departments and the Catawba County Sheriff's Department. The respirators will provide minimal protection for officers that are exposed to biological or chemical agents whether from a terrorist attack, railway car incidents or hazardous material incidents allowing officers to get a safe distance away to evaluate the situation. This grant shows the ability of multiple agencies and jurisdictions working together to assure protection of all personnel. Total amount of the grant is \$39,772. Staff requested \$39,772 be appropriated from the General Fund. This will allow the equipment to be purchased and the invoices for that equipment to be sent to the State for reimbursement.

Staff recommended that the Board of Commissioners approve the appropriation of \$39,772 to purchase the equipment.

New Revenue Account  
110-260060-631835

Small Tools & Minor Equipment  
110-260060-870100

Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

**End Consent Agenda**

8. Departmental Reports:

a. Finance:

1. Supplemental Appropriation - PPI Motorsports, LLC.

Finance Director Rodney N. Miller said PPI Motorsports, LLC made application to the NCDOC in 1999 with the Governor's Industrial Recruitment Competitive Fund (now called the One North Carolina Fund) for the creation of 30 new jobs. This fund was created by the General Assembly to be used as discretionary funds for new and expanding industries for the creation of jobs and the purchase and installation of equipment. PPI Motorsports, LLC had three years to create 30 jobs as required in their application to the State. Earlier this year, the NCDOC verified the creation of these 30 jobs and approved their application. On March 18, 2003, Catawba County received a check for \$30,000 from the NCDOC to be disbursed to PPI for fulfilling their job creation commitments. A budget appropriation is necessary to release the funds to PPI Motorsports. Finance Director Rodney Miller recommended that the Board of Commissioners appropriate \$30,000 to be disbursed to PPI Motorsports, LLC.

110-420050-630580     \$30,000  
State Revenue-Industrial  
Recruitment/Competitive Funds

110-420050-868186     \$30,000  
Industrial Recruitment/Competitive  
Funds

Commissioner Barger made a motion to appropriate \$30,000 to be disbursed to PPI Motorsports, LLC. The motion carried unanimously.

Mr. Scott Millar, Catawba County Economic Development Corporation President congratulated the team for being in the top 10 points standing. Mr. Millar said it is amazing at the jobs that have been created with this grant.

Mr. Rodney Miller presented Ms. Sylvia Cathey, Human Resources Director with PPI Motorsports, LLC with the \$30,000 check.

Ms. Cathey thanked the Board for its support and said PPI Motorsports had created 69 well paying jobs instead of the 30 proposed jobs. She said their driver is Ricky Craven, No. 32, the crew chief is Scott Miller and the owner of the company is Calvin Wells.

b. Planning Department:

1. State's Permanent Catawba River Buffer Rules.

Planning Director Jacky Eubanks said the Clean Water Act of 1999 gave authority to the North Carolina Environmental Management Commission (EMC) to adopt temporary rules "to protect water quality standards and uses as required to implement basin wide water quality management plans" in the Catawba, Neuse and Tar-Pamlico River basins. Under this law, the EMC directed State staff to prepare temporary rules to protect riparian buffers in the Catawba River basin. Riparian buffers are forested or vegetated strips of land that border creeks, rivers and lakes which filter sediment and other pollutants.

In September 2000, the State established two subcommittees to develop recommendations on the application of riparian buffers in the Catawba River basin. In order to address differences in topography in the basin, the area was divided into an upper region, which included Lookout Shoals Lake and the lakes/main river upstream, and a lower region, which included Lake Norman downstream to the State border. Since Catawba County was located within both regions, we were invited to, and participated in, committees representing both regions. Meetings were held bi-weekly beginning in September 2000 to develop temporary buffer rules, which were submitted to the Environmental Management Commission (EMC) in early February 2001. The EMC made some changes to the rules and called for public hearings in March 2001. In May 2001, the EMC voted unanimously to adopt temporary buffer rules, which went into effect on June 30, 2001. In September 2001, the General Assembly passed legislation extending the temporary rules until September 1, 2003. The EMC is now conducting public hearings for permanent buffer rules to replace the temporary rules.

In 1999, the Board of Commissioners adopted a resolution supporting 50-foot buffers in the upper Catawba River basin. The County provided oral and written comments to the State on the temporary buffer rules during the public hearing comment period in March 2001. The Board stated it supported buffer rules only for the main stem of the Catawba River and its lakes but did not support buffers being applied to perennial, intermittent and ephemeral streams. Other technical comments were also made regarding the application of the rules.

The permanent rules, as proposed, will only apply to the main stem of the Catawba River and the lakes below Lake James. The width of the buffer is proposed as 50-feet comprised of two zones: (1) Zone 1 consisting of a 30-foot forested area that is undisturbed, and (2) Zone 2 consisting of a 20-foot stable, vegetated area that can be graded and re-vegetated. This is consistent with the current temporary rules.

The remainder of this memo reviews the proposed changes in comparison to the temporary rules and identifies recommendations for public comment on the draft rules.

**Grandfathering/applicability:** The County commented on the temporary rules that the grandfathering section needed clarification. The Upper and Lower Basin committees recommended that existing subdivided lots (whether vacant or developed) and preliminary subdivision and site plans be grandfathered. The adopted temporary rules state that properties would be grandfathered based on the State's Vested Rights legislation. The State's temporary rules and new language added in the permanent rules for conversion of existing uses make it even more unclear as to what is grandfathered. Of particular concern is new language added which would require uses adding impervious area to the buffer and converted agricultural land to be subject to the buffer rules. This implies that owners would have to provide and maintain a buffer when the land use changes. This section also seems to contradict what owners of previously subdivided unimproved lots would be allowed to do in the buffer. Recommendation: Delete the new section added about the conversion of existing uses and clarify the grandfathering provision.

**Permitted Uses:** The rules state what types of uses in the buffer would be "exempt" or "allowable" (subject to a letter of approval from the State). In order for the State to approve an "allowable use," the owner must prove that there are no other practical alternatives. Several uses which are listed as "allowable" should be "exempt." These include:

1. Pedestrian access to the lake not exceeding 4 feet in width regardless of removal of vegetation.
2. Pumps for agricultural irrigation.
3. Unrestricted number of accessory and recreational buildings (such as gazebos, sheds, decks) up to a total of 150 square feet regardless of removal of vegetation. The proposed rules require the placement of more than one accessory/recreational building to receive a letter of approval.
4. View corridors with no limitation on the height of vegetation which can be removed. The proposed rules place a limit on removal of limbs up to 50% of the tree height.
5. Water dependent structures such as piers, docks and access for placement of riprap regardless of removal of vegetation. The proposed rules require a letter of approval if vegetation is removed in the buffer to construct water dependent structures. These types of uses are generally very narrow in width and would have minimum impact on the buffer.

Clarification needs to be made on several uses which are listed as "exempt" but place limits on clearing of vegetation and impervious area. The rules do not specify if the use is allowed if vegetation is removed or imperviousness is added. This includes recreational facilities such as canoe access points, greenways and other types of public access paths, such as a bicycle trail. Recommendation: Revisions to the "Table of Uses" to allow those uses identified above as "exempt" and clarification on recreational access.

Mr. Eubanks said the Policy & Public Works Subcommittee recommended that the Board of Commissioners support the above recommendations for amendments or clarifications to the permanent buffer rules in the Catawba River basin and also recommended that Chair Barnes and Planning Director Jacky Eubanks present the comments to the State during the public comment period on April 14, 2003, 7:00 p.m., Catawba Valley Community College.

After a brief discussion, Commissioner Hunsucker made a motion to support the above recommendations for amendments or clarifications to the permanent buffer rules in the Catawba River basin and also recommended that Chair Barnes and Planning Director Jacky Eubanks present the aforementioned comments to the State during the public comment period on April 14, 2003, 7:00 p.m., Catawba Valley Community College. The motion carried unanimously.

c. Public Health Department:

1. Tort Reform as a Strategy for Ensuring Availability and Access to Healthcare.

Health Director Barry A. Blick said the primary mission of Public Health agencies is to protect and promote the health of citizens. Any condition or circumstance in society that can negatively impact human health status or potentially compromise that status is within the purview of a local public health department. The Catawba County Board of Health, with its expertise and influence, addresses a number of issues in the interests of the public's health.

The Public Health Board has a Subcommittee for Improving Services to Underserved Populations. This Subcommittee has been analyzing forces in the nation, state, and county that influence the volume and quality of healthcare available to the public within Catawba County.

As the Subcommittee deliberated about barriers that keep adequate healthcare from being rendered to indigent people, information about the rising cost of malpractice insurance documented that about 15 states have significant numbers of physicians who have reduced the scope and volume of their practices. Some abandoning specialty care (e.g., OB-GYN), others only providing non-elective care, many refusing care to poor people, and significant numbers retiring early. The Subcommittee quickly recognized that a dwindling number of doctors leads to less accessibility to timely, needed healthcare.

North Carolina has recently been identified as a "state in crisis" by the American Medical Association due to the potential for problems noted above occurring in this state. Subcommittee members are greatly concerned that malpractice suits and resulting significant increases in malpractice premiums will cause local physicians to react in ways that will limit healthcare provision. Thus, the Subcommittee has considered ways to address and prevent potential barriers to care associated with malpractice suits and insurance.

The Subcommittee concluded that the issues and dynamics associated with malpractice insurance could require some sort of tort reform. The aim would be for Congress or the State Legislature to pass laws that would inhibit large financial awards or expensive legal costs that cause a rise in malpractice insurance. Many healthcare groups strongly maintain that courts award unreasonable sums to parties damaged or alleged to be damaged by healthcare they received. While the Subcommittee is aware of national and state bills related to tort reform, the membership concludes that far too little is known about the causes of rising malpractice insurance for these proposals to be enacted. Instead, the Subcommittee recommended to the full Board of Health that the North Carolina General Assembly create a Legislative Study Commission and the Catawba County Board of Commissioners formally request that such a Commission be established.

During the March 3, 2003, Board of Health meeting, the Subcommittee for Improving Services to Underserved Populations made a report, which explained the concerns about medical liability issues and their relationship to healthcare availability, not only for poor people, but also for all people in Catawba County. The Board of Health membership acknowledged that the rising costs associated with malpractice, particularly malpractice insurance premiums, does, and may to a greater extent in the future, have a direct affect on all citizens' access to healthcare providers in Catawba County as well as the entire State of North Carolina. The Board, therefore, passed a motion requesting that the Catawba County Board of Commissioners petition the North Carolina General Assembly to establish a Legislative Study Commission to analyze and address tort issues that can negatively impact the health of people in our State and County.

The Policy and Public Works Subcommittee recommended that the Board of Commissioners petition the North Carolina General Assembly to appoint a Legislative Study Commission to study and recommend solutions to ensure the escalating costs associated with tort claim issues do not affect any North Carolina Citizen's access to healthcare providers and healthcare.

After a brief discussion, Commissioner Lail made a motion to petition the NC General Assembly to form a study commission, a commission that would seek information about Tort Reform and make a report to guide Legislators in future bills to be enacted to resolve the health care crisis in North Carolina and Catawba County. The motion carried unanimously.

d. Utilities and Engineering:

1. East Maiden and Clarks Creek Community Clean Water and CDBG Grant Project(s) Town of Maiden Clean Water Grant Contract Addendum. (Copy of Addendum on file in the Office of Utilities and Engineering Director.)

Utilities and Engineering Director Barry B. Edwards said Catawba County was awarded a State Clean Water Grant for the East Maiden Road Project based on need when compared with project submittals from all over the State of North Carolina. The East Maiden Project evolved from and was awarded a grant because of groundwater contamination caused by a leaking underground storage tank at the intersection of East Maiden Road and Buffalo Shoals Road, site of the former B&G Grocery. Based on documentation supplied by NCDENR, the contaminated plume at the intersection has resulted in pure gasoline floating on the water table. The plume of pure gasoline extends 200 feet in length and is within approximately 100 feet of the nearest neighbor's water supply well. This water supply well is showing contamination. From June 1997 until July 1998, more than 258 gallons of pure gasoline and approximately 1,300 gallons of gasoline vapors were recovered by aggressive fluid vapor recovery. It is unknown how much gasoline remains in the ground at this time. A pumping system is needed, but a suitable location to discharge treated groundwater is not available. Currently, the State is pumping limited quantities of water and hauling the water off the site for disposal. This option is very expensive and is not designed to provide control over plume migration. The contaminated groundwater is affecting existing supply wells and hindering the development of several platted lots in a nearby subdivision. The chance that the State's pumping procedures could begin to pull the contamination towards the new homes is very real and is not an option the State supports long term. The State recognizes that providing municipal water to the area (intersection) is the best alternative correction measure available to the citizens and the regional DENR office was very supportive of Catawba County acquiring the grant.

The contract approved on April 16, 2001, with the Town of Maiden will loan the Town \$56,320 (and any additional unanticipated County agreed to project cost) to extend municipal water lines to the intersection and area of impact. The contract covers the twelve (12) inch water line extension from the intersection of East Maiden Road and Withers Road, in an easterly direction along East Maiden Road to Buffalo Shoals Road, and then north along Buffalo Shoals Road approximately 1,300 linear feet. The project also consists of a water pump station and minimum 250,000 gallon elevated water tank at the intersection of East Maiden Road and Jim Beard Road. The contract is the County's standard 10-year loan which requires Maiden to repay the County 75% of the project cost excluding any grant proceeds over a 10-year period (10 annual payments) with no interest.

Currently, the East Maiden Road Water line has been completed and residents east of Jim Beard Road currently have municipal water. The elevated storage tank is under construction with an estimated completion date of December 31, 2003. The residents west of Jim Beard Road will have water access after the completion of the storage tank.

The State has requested Catawba County amend its contract with the Town of Maiden to include specific language addressing the following: 1) How the project contractor will be paid, and by whom; 2) the process through which the Town of Maiden will request reimbursement from the County for payment to the project contractor; 3) that the County will apply for reimbursement from the State Bond High User Cost Grant Administrator for payment to the Town of Maiden; and 4) that the Town of Maiden will comply with all applicable statutes, rules and regulations, including specifically those contained in NC Senate Bill 914, when awarding contracts for construction of the Clarks Creek Project. NC Senate Bill 914 is an act that provides construction flexibility for public entities, to enhance and improve good faith efforts to recruit and select minority businesses for participation in public construction contracts, and to increase the mandatory performance and payment bond threshold for public construction projects.

The addendum to the contract incorporates serving 47 residents in the Clarks Creek community with municipal water and sewer. Even though Clarks Creek was funded in the State grant as part of the East Maiden Road Clean Water Grant Project, the Town of Maiden was reluctant to accept the Clarks Creek portion of the grant initially due to severe roadway

conditions in the service area. Nonetheless, by employing Clean Water Funds granted to Catawba County, the Town was able to acquire additional funding assistance for Clarks Creek through the State CDBG program making the project acceptable to the Town. The County will transfer \$100,000 of the East Maiden Road project to the Clean Water Program portion of the Clarks Creek project. The Town of Maiden has received a CDBG grant to complete the water project in Clarks Creek and also to provide the community with municipal sewer service. It is estimated that the cost of providing sewer will exceed the CDBG amount by approximately \$120,000. This addendum adds the sewer portion of the project to the existing Revolving Loan contract with the Town. Thus, to acquire State grant funding for the Clarks Creek project, the existing contract between the County and the Town must be revised to include specific language addressing Clarks Creek.

The Policy and Public Works Subcommittee recommended that the Board of Commissioners approve and execute the contract addendum with the Town of Maiden for Clean Water Grant Program East Maiden and Clarks Creek as requested by the State of North Carolina and approve the following budget revision and transfer.

**Budget Ordinance Amendment No. 2003-05**

Fund - Water and Sewer Construction  
Function - Other Funds  
Program Area - Capital Projects  
Activity - County Water and Sewer Projects

The Budget Ordinance is hereby amended by making a Transfer of Appropriations to be allocated as follows:

415-431100-986000-20005	\$100,000	415-431100-861500-27003	\$100,000
State Clean Water Bond Projects		CWB Clarks Creek	
Total	\$100,000	Total	\$100,000

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being adjusted as follows:

230-170020-995415	\$120,000	230-170020-695100	\$120,000
To Water & Sewer Construction		Fund Balance Applied	
415-431100-861500-27004	\$120,000	415-430050-695230	\$120,000
Clarks Creek Wastewater		From Water & Sewer Reserves	
Total	\$240,000	Total	\$240,000

Commissioner Beatty thanked Mr. Edwards for working on this much needed project.

Commissioner Beatty made a motion to approve and execute the contract addendum with the Town of Maiden for Clean Water Grant Program East Maiden and Clarks Creek as requested by the State of North Carolina and approve the aforementioned Budget Ordinance Amendment. The motion carried unanimously.

9. Attorneys' Report. None.

10. Manager's Report:

a. Ordinance Amendment to Section 34-27 (j), Rules Governing Use of Facilities.

Mr. Lundy said the Policy and Public Works Subcommittee recommended that the Board of Commissioners adopt an amendment to Section 34-27 (j) of the Catawba County Code. As a historic location, the 1924 Courthouse is host to celebrations and observances where organizations hold patriotic ceremonies such as veteran memorial services. As a part of those ceremonies, some organizations would like to be able to hold military gun salutes. The current ordinance prohibits weapons of any kind. The ordinance amendment would allow these organizations to have these types of memorials under limited circumstances. Chief David Dial with the Newton Police Department was

consulted about this amendment and he believes the amendment would be in line with the City of Newton's ordinances.

**Ordinance No. 2003-06**

BE IT ORDAINED, by the Catawba County Board of Commissioners that Section 34-27 (j) is hereby amended to read as follows:

Sec. 34-27 Rules governing use of facilities.

"No function will be allowed where any member of an organization carries a gun, rifle, firearm, or other weapon. An exception may be made for a memorial service or special event associated with the recognition of any branch of the military or historical conflict so long as any weapon used is only discharging blanks and the organization has received the appropriate permits and/or permission from any relevant municipality and/or police chief."

This 7th day of April, 2003.

Commissioner Hunsucker made a motion to adopt the aforementioned Ordinance Amendment to Section 34-27 (j), of the Catawba County Code, "Rules Governing Use of Facilities." The motion carried unanimously.

b. Request to use grounds:

1. County Manager J. Thomas Lundy said a request was received from Sherry Bishop, Deputy Clerk of Court requesting to use the Justice Center Grounds on Saturday, May 3, 2003, from 6:00 a.m. until 1:00 p.m., for a yard sale. Proceeds from the yard sale will be donated to the American Cancer Society.
2. Mr. Lundy said a request was received from the Sons of Confederate Veterans to use the 1924 Courthouse grounds on Saturday, May 10, 2003, from 7:00 a.m. until 8:00 p.m. for a reenactment ceremony.

Commissioner Hunsucker made a motion to approve the two aforementioned requests for use of county grounds. The motion carried unanimously.

11. Other items of business. None.

12. Adjournment.

At 11:10 a.m. there being no further business to come before the Board, Commissioner Beatty made a motion to adjourn. The motion carried unanimously.

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Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

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Thelda B. Rhoney  
County Clerk